

PLANNING BOARD MINUTES  
APRIL 13, 2015

**Call The Meeting to Order**

Vice Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

**(A) Reorganization**

Mr. Sadwick took nominations for Chairman.

**MOTION** - Mr. Fowler made a motion to appoint Stephen Johnson as Chairman. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

**MOTION** - Mr. Anderson made a motion to appoint Robert Fowler and Vice Chairman. The motion was seconded by Mr. Fratalia. This motion was withdrawn.

**MOTION** - Mr. Fowler made a motion to appoint Nancy Reed as Vice Chairperson. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mr. Fowler made a motion to appoint Keith Anderson as Clerk. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Mr. Johnson stated that the appointments to the subcommittees will be postponed until the next meeting.

**(B) Approval of Minutes – March 9, 2015**

**MOTION** - Mr. Fratalia made a motion to approve the minutes of March 9, 2015 with the following correction: Item F, 3<sup>rd</sup> para – Add “to believe” so it reads “Mr. Fratalia stated that he read the report and he finds it hard “to believe” that traffic is down on Rt. 38.” The motion was seconded by Mrs. Reed and unanimously voted 4-0. Mr. Anderson abstained from voting.

**(C) 715, 721 and 731 Livingston Street, KAJ, LLC Site Plan Special Permit and Special Permit Continued**

Attorney Richard O’Neill, Dick Cuoco, Arnie Martel, Jim Hanley and Ron Mueller appeared for the continued Site Plan Special Permit and Special Permit for 715, 721 and 731 Livingston Street.

Mr. Hanley stated that an updated plan has been submitted to address the concerns of the DPW. Currently, the properties are zoned R40, Heavy Industrial and CVOD. The total area is 9.88 acres with 380’ of frontage. There is a 650’ street named Eddies Way and there are utilities in Livingston Street and Eddies Way. Marshall Brook is also on site which is considered a perennial stream so a 200’ buffer is required and there are flood plain issues.

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Mr. Hanley stated that they are proposing 96 units. There will be 2 buildings that will have 32 units and 2 buildings that will have 16 units each. There will be a 1,300 SF retail trail shop. There will be 215 parking spaces with 61 of them being covered. The entire portion of the property north of Marshall Brook will be undisturbed. They are proposing adding stone walls along Livingston Street and then landscaping behind the walls in front of the one-story car ports. There will be a 24' wide access road, there will be three dumpsters located within the site, and a site lighting plan has been provided. They are proposing 5' concrete sidewalks around the site and the two buildings out front will be tied in with a stone dust walk way. There will be ½ mile of walking trails on site. Mr. Hanley added that 40% of the site will not be touched. Two infiltration basins have been design for storm water management. Mr. Hanley stated that the existing residence will be removed. Mr. Hanley stated that more test pits will be done because the water table was higher than expected. They are in the process of finalizing the drainage with the details being completed this week. They have received the ok from the fire department with the new circulation.

Mr. Mueller stated that the traffic study looked at the existing and projected. The traffic counts were done in November and they increased the number by 4%. There were no accidents reported from 2010-2012 at the intersection of Livingston and East Streets. The average speed was documented at 36-38 MPH. The site lines for the driveway exceed the required access. They also provided a 1% increase in annual growth. This study also included the full build out of Bella Woods. The study concluded that this project would add 28-38 additional vehicles on Livingston Street, 15-21 vehicles on Chandler Street and 8-11 on Livingston Street going north. Mr. Mueller stated that the intersections at Livingston Street and Chandler Street operate at a B-C and that won't change. The stone walls are set far enough back that they won't impact site distance and they recommend no signs or landscape be added in front of the walls. They have also recommended stop lines and signs be added at both entrances.

Mr. Cuoco stated that they address for the units will be Joan's Farm Way, so a unit in the first building on the first floor could possibly be 1101 Joan's Farm Way. The current "Eddies Way" will go away.

Mrs. Reed asked what the break down was for bedroom count. Mr. Cuoco stated that Buildings 1 and 2 will have 22 2-bedroom apartments at approximately 1,050 SF and 10 1-bedroom apartments at approximately 750 SF. Buildings 3 and 4 will have 11 2-bedroom apartments at approximately 870 SF and 5 1-bedroom apartments at approximately 745 SF. There will be a total of 66 2-bedroom and 30 1-bedroom apartments. Mr. Cuoco added that each unit will have its own laundry.

Mrs. Reed stated that she would wait for engineering and asked if the sidewalks would only be along Livingston Street. Mr. Cuoco stated that the sidewalks would only go along our frontage and they will be asking for a waiver for the remainder.

Mr. Fowler stated that this has been reviewed and an extensive amount of time has been spent and his questions have been answered.

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Mr. Fratalia stated that the sidewalk seems important. Mr. Cuoco stated that it wouldn't connect to anywhere. They could extend it as far north as they can but they can't go to the left due to the DEP regulations protecting the riverfront. Mr. Fratalia stated that they never received the traffic study. Mr. Hanley stated that two were submitted with the application, he will get more copies tomorrow. Mr. Fratalia asked if there was any feedback from the Tewksbury State Hospital. Attorney O'Neill stated that he was with Mr. Martel when a site walk was conducted with representatives from the Tewksbury State Hospital. Their concern was with protection of the well fields. They were pleased to see residential use and protecting the well fields.

Mr. Anderson stated that he has followed this project and has walked the property multiple times. Mr. Anderson asked what the distance would be from the carport to Katie Way. Mr. Hanley replied that they are over 600' away. Mr. Anderson stated that a majority of the property between this development and Katie Way is wetlands and cannot be disturbed. Mr. Hanley replied that was correct. Mr. Anderson asked if there would be a restoration area. Mr. Hanley replied yes, they are going to raze the existing house and restore the area with landscape and wild flower mix. Mr. Anderson stated that he is glad to hear that there will be minimum traffic going to the north on Livingston Street. Mr. Cuoco stated that the Conservation Agent and the wetlands scientists will be going to the site and will determine where the restoration area will occur.

Mr. Johnson asked about parking. Mr. Cuoco stated that there are eleven extra spaces, seven for the rail shop and four at the cul de sac. Mr. Johnson asked how many spaces are reserved for the rail trails. Mr. Hanley replied the four in the cul de sac and the seven for the rail and trail above what is needed for the residential units. Mr. Johnson stated that the rendering needs to be submitted. Mr. Cuoco stated that this will have the same roof lines as the Milk Barn at the Tewksbury State Hospital. Mr. Johnson asked if the rails and trails were taken into account in the traffic study. Mr. Mueller stated that he was not sure, but it would not change the level of services. Mr. Johnson asked what the distance from the southerly drive to the intersection is. Mr. Mueller replied about ¼ mile.

Mrs. Reed asked if there would be a landscape plan showing the screening areas. Mr. Martel stated that they will provide a landscape layout plan.

Mr. Fowler asked if there was a response from the Town Engineer. Mr. Hanley stated that everything has been provided to the Town Engineer except the drainage calculations. Mr. Sadwick stated that he concurs and said they are just waiting on the storm water management drainage calculations.

Mr. Cuoco stated that in Section 8684-4, they are asking for a waiver. They are proposing donating \$25,000 per unit for 14 units for a total of \$350,000 into the affordable trust fund.

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Patricia Meuse of 551 South Street – Ms. Meuse stated that she is against apartments in Tewksbury. They are proposing 4 story buildings but Section 8688 only allows 2.5 stories and 35' high. Mr. Cuoco stated that Section 8689 allows them to request a waiver. Ms. Meuse asked if there will be a 20' setback. Mr. Cuoco replied yes. Ms. Meuse asked if the traffic study accounted for the train and she doubted that only 50 cars would leave the site in the morning. Mr. Cuoco stated that only accounts for cars leaving during the peak AM hours. Ms. Meuse stated that there are long trains that back up traffic. Mr. Mueller stated that the peak traffic hours are 7:15 to 8:15 AM and 4:45 and 5:45 PM. Ms. Meuse asked if the cut into the driveway will be gradual. Mr. Hanley stated that it would be widened to a 30' level platform at the entrance.

Ryan Nelson of 30 Katie Way – Mr. Nelson asked that there be light shields for the parking lights and during construction that a fence be installed and that water trucks be used to control the dust. Mr. Martel stated that he would agree to that. The hours of construction will be Monday through Friday 7:00 AM to 6:00 PM and Saturday 7:00 AM to 5:00 PM. Mr. Nelson asked if they could get a slow kids sign, a flashing speed sign and a private way sign for Katie Way. Mr. Cuoco stated that is outside of their scope but perhaps the Town can address those issues. Mr. Nelson asked if the taxes will be different with apartments versus condos. Mr. Cuoco replied no, the tax will be the same it is just there will be one owner versus 96 owners. Mr. Nelson stated that he met with Mr. Martel and did a site walk and asked that they add 20-40 trees to hide the end units. He also asked that the bike path be shrunk down. Mr. Sadwick stated that at any time, a resident can contact the Police Department for the signs.

Mr. Cuoco stated that we can work with the DPW on the signs and the dust control will be part of the SWPP. A lighting plan will also be submitted and according to the bylaw they can't have light spillage. Mr. Cuoco added that a large wooden area between this property and Katie Way will remain.

Marie Hines of 20 Katie Way – Ms. Hines stated that this is a very large project for this area and she doesn't like it.

Annette Eloi of 800 Livingston Street – Ms. Eloi stated that she doesn't understand why this is so big and traffic is a major concern because it is a busy street. Mr. Cuoco stated that the land was purchased at a heavy industrial cost so they need to recoup the amount that was spent on the land. Mr. Cuoco added that the traffic with this project will be less than if it had been developed as a heavy industrial use.

David Daley of 70 Katie Way – Mr. Daley asked if the traffic will be able to go right and left as well as straight at the Chandler Street/Livingston Street intersection. Mr. Mueller replied yes. Mr. Martel stated that they he will be removing all the shrubs at that intersection.

Sam Eckers of 40 Katie Way – Mr. Eckers stated that everyone should be informed with a project this size, not just the abutters. The trains should be included in the traffic study. This project would double the population in this area, so there should be residents only parking signs added. Mr. Eckers asked if there could be a light added to the Chandler Street/Livingston Street intersection. Mr. Eckers stated that he is concerned when there are baseball games that the traffic will be dangerous.

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Mark Caron of 150 Kendall Road – Mr. Caron stated that he petitions for the 4-way stop at Kendall and Livingston. Livingston Street is a cut through from East Street to North Street. He has an issue with the traffic study and believes that traffic will head North up Livingston Street to catch 495. Mr. Caron said that they are using up to 60% of the land and asked why so much. Mr. Cuoco stated that they can go up to 70% but they did not want to put up 5 story buildings. Mr. Caron asked if more Police will be needed.

Diane Martell of 752 Livingston Street – Ms. Martell stated that she is concerned with no sidewalks and there will be too much traffic. She is also concerned with the safety for the bike trail. Ms. Martell stated that the culvert on Livingston Street is already damaged and is backing up now when it rains.

Mike Rubalcaba of 30 Nolan Court – Mr. Rubalcaba stated that he is the condo association president and they are concerned with the size of the development. The traffic study should have a common sense test done on it.

Ray Penney of 759 Livingston Street – Mr. Penney stated that this project would fit with the neighborhood and he is confident with Mr. Martel's history that the project will be done right. He is also concerned with the culvert but that has nothing to do with Mr. Martel or this project but he said he would help. Mr. Martel stated that he agrees to work with the DPW to get that culvert fixed and he is willing to give an easement. This was similar to the culvert at Katie's Way.

Susan Landon of 56 Dunvegan Road – Ms. Landon stated that this type of project is not appropriate for the area and traffic is bad. Ms. Landon asked if there is enough capacity for water and sewer.

Susan Soldani of 670 East Street – Ms. Soldani stated that this project is too large and there will be an impact to the neighborhood and traffic.

Susan Kirby of 11 Nolan Court – Ms. Kirby asked who will be managing the apartments. Mr. Cuoco stated that Mr. Martel will be ultimately responsible. Ms. Kirby asked who will maintain the trails. Mr. Martel stated that he will be donating it to the Town. Ms. Kirby asked how many children will be living in the development. Attorney O'Neill stated that the studies show .25 children/unit of school age children compared to 3 children/single family home. The Lodge at Ames Pond has 364 units which only has 16 kids. Ms. Kirby stated that she is also concerned with traffic.

Mark Babbitt of 777 Livingston Street – Mr. Babbitt stated that he is concerned with traffic and with crime along the bike path. Mr. Cuoco stated that during the IDR the Fire and Police Departments were involved and their concern with the bike paths was to put bollards so no cars could get onto the path. Mr. Cuoco stated that the residents will also police the area. The safety officer is involved and they will listen to any suggestions on security. There will be security cameras on the project. Mr. Cuoco stated that the bike trail is at the beginning stages to extend throughout the community. There is not a huge trail on our property.

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Sam Eckert of 40 Katie Way – Mr. Eckert asked what happens if the historical data is wrong. Mr. Cuoco stated that there are rules and scientific facts. He would suggest sending out the traffic study to a peer review. Mr. Cuoco added that legal notification is set by State law.

Page Impink of 30 Geddes Drive – Ms. Impink stated that a report was issued two weeks ago for the Tewksbury Rails and Trails Committee and she does not want this to be confused with the Tewksbury Rails and Trails. The report did not include this property. Ms. Impink added that the potential for additional trails is great but the official Tewksbury Rails and Trails is located from Capitol Ave and Senior Center.

Carly Nelson of 30 Katie Way – Ms. Nelson asked what would be needed to connect the rails. Mr. Sadwick stated that a plan would need to be done. There are three rails that converge on this property. Mr. Johnson stated that is not in the scope of the Tewksbury Rails and Trails but perhaps could be in the future. Attorney O'Neill stated that Mr. Martel's project will give the opportunity to expand.

Keith Brooks of 4 Westland Drive – Mr. Brooks asked what the notification is for the hearing. Mr. Sadwick stated that the State requires notification to abutters to abutters within 300' and notification in the newspaper. Mr. Brooks stated that should be expanded. Mr. Johnson stated that the abutters are notified, it is in the newspaper and on the Town website. Mr. Brooks stated that this will dramatically change the look of this area and will increase traffic.

**MOTION** - Mr. Fowler made a motion to send a letter to the DPW and Board of Selectmen with support of installing the flashing light from South/Salem intersection that is being removed to the intersection at Chandler/Livingston if this project is approved. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Mr. Fowler stated that Mr. Martel has said that he would work with the Town on getting the culvert fixes and the residents can talk with the Safety Officer at the Police to get the new signs or repair existing signs and perhaps install a temporary digital speed sign.

Mr. Fratalia stated that we should discuss with Officer Welch the issues of the signs and perhaps doing speed surveillance in this area.

Mr. Anderson stated that this project would be an asset to the town in the way of revenue and he doesn't look at apartments as a detriment. Mr. Anderson stated that he agrees that the 4 way stop at Kendall/Livingston was the right thing to do. The traffic going north was a concern but the traffic study addressed that.

**MOTION** - Mr. Fowler made a motion to continue the public hearing until April 27, 2015 at 7:20 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

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**(D) Zoning Amendment Public Hearing for May 4, 2015 Annual Town Meeting**

Mr. Sadwick provided comments from Town Counsel on the proposed zoning articles.

- Article 37 – Second line, change “split among” to “divided between”.
- Article 38 – In the first sentence add after “underlined text” “and deleting where strikethroughs are shown.”
- Article 39 – Change “follow” to “comply with”.
- Article 40 – “The” has a strikethrough line. Add strikethrough phrase.
- Article 41 – Delete and insert “Step 1, Page 22.” The line after 6708 delete ”b”)” and insert “Step 2 Amend Appendix A. ...”

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 36. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mr. Fowler made a motion to incorporate Town Counsel’s revisions of Article 37. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 37 as amended. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to incorporate Town Counsel’s revisions of Article 38. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 38 as amended. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to incorporate Town Counsel’s revisions of Article 39. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 39 as amended. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to incorporate Town Counsel’s revisions of Article 40. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 40 as amended. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to incorporate Town Counsel’s revisions of Article 41. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 41 as amended. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 42. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

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**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 43. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**MOTION** - Mrs. Reed made a motion to recommend adoption of Article 44. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

**Old Business**

There was no old business.

**New Business**

There is no new business.

**Director's Report**

Mr. Sadwick stated that they agreed to meet at the DPW on April 21, 2015 to discuss the Master Plan. That meeting will start at 7:00 PM.

Mr. Anderson thanked the Board for the warm welcome.

**Adjournment**

**MOTION** - Mr. Fowler made a motion to adjourn the meeting at 9:15 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

***Approved on: 6/22/15***

*List of documents for 4/13/15 Agenda*

*Documents can be located at the Community Development Office*

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| <b>B.</b> | <b>7:00</b> | Approval of Minutes – March 9, 2015  |
| <br>      |             |  |
| <b>C.</b> | <b>7:00</b> | 715, 721 and 731 Livingston Street, KAJ, LLC<br>Continued Site Plan Special Permit and Special Permit <ul style="list-style-type: none"><li>• Site Development Plans dated March 4, 2015.</li><li>• Proposed plan for The Residence's @ Joan's Farm.</li></ul> |
| <br>      |             |  |
| <b>D.</b> | <b>7:15</b> | Zoning Amendment Continued Public Hearing for May 4, 2015<br>Annual Town Meeting   |